

# **Exhibit C**

**From:** Marts, Sergey (LAW)  
**To:** Bull, Gina  
**Cc:** PBALitigationTeam@schlamstone.com; "macquisto@quinnlawnny.com"; aquinn@quinnlawnny.com; Stephen Mc Quade; Payne Litigation Team; Sow-Legal@blhny.com; Gray Legal Team-External; rolonlegalteam@aboushi.com; AG-NYPDLitigation; Steven Bushnell; Lalit Loomba; NYC Law Protest Team  
**Subject:** RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition  
**Date:** Tuesday, April 4, 2023 6:56:35 PM

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Good evening Counsel,

We obviously disagree on your reading of Topic No. 20 and we do not agree that specific investigations into allegations of misconduct by the members of the NYPD fall within the scope of this topic. In fact, plaintiffs' Topic No. 17 appears to address that specific subject matter. Equally, we disagree with you reading that Topic No. 20 also covers "... the Commissioner's decisions to depart from CCRB's recommendations on the basis that they are submitted too close to the statute of limitations." Plaintiffs' Topic No. 18 encompasses this subject. Since DI Kanganis was not designated to provide testimony on Topics Nos. 17 and 18, we stand by our objections. Please also note that it is defendants' position that any answers by the witness to the questions outside of the scope of Topics Nos. 20 and 21 will not be binding on the City.

Sincerely,

Sergey Marts  
Assistant Corporation Counsel  
Special Federal Litigation Division  
New York City Law Department  
100 Church Street  
New York, New York 10007  
Tel.: 212-356-5051

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**From:** Bull, Gina <Gina.Bull@ag.ny.gov>  
**Sent:** Tuesday, April 4, 2023 12:27 PM  
**To:** Marts, Sergey (LAW) <semarts@law.nyc.gov>  
**Cc:** PBALitigationTeam@schlamstone.com; 'macquisto@quinnlawnny.com' <macquisto@quinnlawnny.com>; aquinn@quinnlawnny.com; Stephen Mc Quade <SMcQuade@pittalaw.com>; Payne Litigation Team <PayneLitigationTeam@nyclu.org>; Sow-Legal@blhny.com; Gray Legal Team-External <GrayLegalTeam@dwt.com>; rolonlegalteam@aboushi.com; AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; Steven Bushnell <sbushnell@quinnlawnny.com>; Lalit Loomba <lloomba@quinnlawnny.com>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>  
**Subject:** RE: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Mr. Marts,

First, your objection to questions and exhibits as "outside of the scope" of the topics is legally improper. See *Crawford v. Franklin Credit Mgmt. Corp.*, 261 F.R.D. 34, 38 (S.D.N.Y. 2009) ("The proper scope of the questioning of a Rule 30(b)(6) witness is not defined by the notice of deposition, but by Rule 26(b)(1) of the Federal Rules of Civil Procedure, unless a court otherwise directs. . . . 'In fact, a notice of deposition . . . constitutes the minimum, not the maximum, about which a deponent must be prepared to speak.'") (internal citations omitted).

In any event, the documents you're objecting are clearly within the scope of Topic 20 which includes "The NYPD's and City of New York's response, coordination, and cooperation with investigations by any local district attorney's office, the Civilian Complaint Review Board . . ." as they are relevant to questions about the NYPD's coordination and cooperation with the CCRB's requests for documents

and interviews in their investigation, delays which can result from challenges CCRB has faced in gaining NYPD's cooperation, and the consequences of such delays, including the Commissioner's decisions to depart from CCRB's recommendations on the basis that they are submitted too close to the statute of limitations. NYPD's response, coordination, and cooperation with investigations by the DA's offices into allegations of misconduct by members of the NYPD during the protests, which are detailed in the IAB files, are also clearly within the scope of the topic.

We provided this list of exhibits to assist Defendants in their preparation of the witness, which as you know they are obligated to do for any topic which DI Kanganis is not personally knowledgeable. *See Bush v. Element Fin. Corp.*, No. 16-cv-1007 (RJS), 2016 U.S. Dist. LEXIS 189319, at \*5 (S.D.N.Y. Dec. 13, 2016). The witness's review of these exhibits on the deposition day will not count against our time. And, of course, if Defendants' 30(b)(6) witness is unprepared, it would be "tantamount to a failure to appear" and so we would be entitled to continue the deposition with a properly prepared witness and, potentially, sanctions. *Eid v. Koninklijke Luchtvaart Maatschappij N.V.*, 310 F.R.D. 226, 228 (S.D.N.Y. 2015).

Best,  
Gina

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**From:** Marts, Sergey (LAW) <[semarts@law.nyc.gov](mailto:semarts@law.nyc.gov)>  
**Sent:** Monday, April 3, 2023 9:42 PM  
**To:** Bull, Gina <[Gina.Bull@ag.ny.gov](mailto:Gina.Bull@ag.ny.gov)>  
**Cc:** [PBALitigationTeam@schlamstone.com](mailto:PBALitigationTeam@schlamstone.com); 'macquisto@quinnlawny.com' <[macquisto@quinnlawny.com](mailto:macquisto@quinnlawny.com)>; [aquinn@quinnlawny.com](mailto:aquinn@quinnlawny.com); Stephen Mc Quade <[SMcQuade@pittalaw.com](mailto:SMcQuade@pittalaw.com)>; Payne Litigation Team <[PayneLitigationTeam@nyclu.org](mailto:PayneLitigationTeam@nyclu.org)>; [Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com); Gray Legal Team-External <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)>; [rolonlegalteam@aboushi.com](mailto:rolonlegalteam@aboushi.com); AG-NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; Steven Bushnell <[sbushnell@quinnlawny.com](mailto:sbushnell@quinnlawny.com)>; Lalit Loomba <[lloomba@quinnlawny.com](mailto:lloomba@quinnlawny.com)>; NYC Law Protest Team <[NYCLawProtestTeam@law.nyc.gov](mailto:NYCLawProtestTeam@law.nyc.gov)>  
**Subject:** Re: [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

Good evening, Ms. Bull,

Thank you for providing us with the list of the exhibits plaintiffs intend to use during the deposition of DI Kanganis. As you correctly pointed out, DI Kanganis was designated to testify as a 30(b)(6) witness for Topic Nos. 20 and 21. However, quite a few exhibits you listed below fall outside the scope of those two topics. For instance, the 3/15/23 Letter from the Legal Aid Society to Mayor Adams and the 3/18/23 New York Post article "*Civilian Complaint Review Board 'dumped' hundreds of cases on NYPD at last minute: police sources*," you identified in your email below fall outside the scope of Topic Nos. 20 and 21. Similarly, any questions relating to the CCRB case No. 202003860, CCRB case No. 202004315, as well as any questions pertaining to the IAB case Nos. FI-2020-414 and FI-2020-416 fall outside the scope of Topic Nos. 20 and 21. Defendants object to any questions and exhibits pertaining to the topics which fall outside the scope of Topics Nos. 20 and 21. Therefore, DI Kanganis will not be prepared to testify regarding the specific investigations by the CCRB, IAB, or any of the local DA's offices into "*allegations of misconduct by members of the NYPD during the Summer 2020 Protest*" as well as the results of such investigations at his deposition on Thursday.

Sincerely,

Sergey Marts  
Assistant Corporation Counsel  
Special Federal Litigation Division

New York City Law Department  
100 Church Street  
New York, New York 10007  
Tel.: 212-356-5051

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**From:** Bull, Gina <[Gina.Bull@ag.ny.gov](mailto:Gina.Bull@ag.ny.gov)>  
**Sent:** Thursday, March 30, 2023 5:28 PM  
**To:** NYC Law Protest Team <[NYCLawProtestTeam@law.nyc.gov](mailto:NYCLawProtestTeam@law.nyc.gov)>  
**Cc:** [PBALitigationTeam@schlamstone.com](mailto:PBALitigationTeam@schlamstone.com) <[PBALitigationTeam@schlamstone.com](mailto:PBALitigationTeam@schlamstone.com)>;  
'macquisto@quinnlawnny.com' <[macquisto@quinnlawnny.com](mailto:macquisto@quinnlawnny.com)>; [aquinn@quinnlawnny.com](mailto:aquinn@quinnlawnny.com)  
<[aquinn@quinnlawnny.com](mailto:aquinn@quinnlawnny.com)>; Stephen Mc Quade <[SMcQuade@pittalaw.com](mailto:SMcQuade@pittalaw.com)>; Payne Litigation Team  
<[PayneLitigationTeam@nyclu.org](mailto:PayneLitigationTeam@nyclu.org)>; [Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com) <[Sow-Legal@blhny.com](mailto:Sow-Legal@blhny.com)>; Gray Legal Team-  
External <[GrayLegalTeam@dwt.com](mailto:GrayLegalTeam@dwt.com)>; [rolonlegalteam@aboushi.com](mailto:rolonlegalteam@aboushi.com) <[rolonlegalteam@aboushi.com](mailto:rolonlegalteam@aboushi.com)>; AG-  
NYPDLitigation <[AG.NYPDLitigation@ag.ny.gov](mailto:AG.NYPDLitigation@ag.ny.gov)>; Steven Bushnell <[sbushnell@quinnlawnny.com](mailto:sbushnell@quinnlawnny.com)>; Lalit  
Loomba <[lloomba@quinnlawnny.com](mailto:lloomba@quinnlawnny.com)>  
**Subject:** [EXTERNAL] Re: In re NYC Policing, 20-cv-8924, Kanganis Deposition

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Counsel,

I write as a courtesy in advance of the deposition of Deputy Inspector John Kanganis, a full-day deposition scheduled for April 6<sup>th</sup> beginning at 9:30 AM.

As a reminder, DI Kanganis has been designated by Defendants as the 30(b)(6) witness for the following topics:

- |   |
|---|
| <p><b>20:</b> The NYPD's and City of New York's response, coordination, and cooperation with investigations by any local district attorney's office, the Civilian Complaint Review Board, the Law Department, or the Department of Investigation of the City of New York into the City's responses to the Summer 2020 Protests, including requests and responses for the production of documents, witnesses, and other information from Defendants.</p> |
| <p><b>21:</b> The NYPD's and City of New York's response to:</p> <ul style="list-style-type: none"><li>a. the investigation and Preliminary Report by the New York State Office of the Attorney General;</li><li>b. Any decisions by any district attorney to decline to prosecute or dismiss a prosecution related to any of the Arrests made during the Summer 2020 Protests.</li></ul>   |

The following is a non-exhaustive list of exhibits that may be used in the deposition and with which we expect DI Kanganis to be familiar:

- The Department of Investigation Report (DEF\_000174210-324) and related materials, including
  - The Protest Review Investigation Request Tracker Sheet (DEF\_000164123)
  - Mayor de Blasio's recorded response to the report (NYAG-G-00001358)
  - The Mass Demonstration Response Recommendations Tracker (DEF\_000174330 and publicly available later version [here](#))
- The Law Department Report (SOW001641-695) and related materials

The NYS OAG Preliminary Report (DEF\_000176590-646) and related materials

- The CCRB 2020 Protests Report (OAG-0406960-7549)
- 3/15/23 Letter from the Legal Aid Society to Mayor Adams available [here](#); the 3/18/23 New York Post article “Civilian Complaint Review Board ‘dumped’ hundreds of cases on NYPD at last minute: police sources” available [here](#); the 7/3/20 Gothamist article “Memo: NYPD Oversight Investigators’ Job Has Become ‘Untenable’ Because of Body Cam Backlog” (DEF-E\_000009673-675).
- Documents from the CCRB file for Case no. 202003860, including DEF\_000529127-144, OAG-0324700-790, DEF\_000484434.
- Documents from the CCRB file for Case no. 202004315, including DEF\_000350010 and OAG-0326743-831.
- Documents related to district attorney’s offices’ investigations of officers for alleged misconduct that occurred at any of the protests, including Officers Vincent D’Andraia and Michael Sher, and documents from the IAB files for case nos. FI-2020-414 and FI-2020-416.
- Emails and other communications related to district attorney’s offices’ decisions to decline or dismiss prosecution of protestors.

Best,  
Gina

**Gina Bull | Assistant Attorney General & Special Assistant to the First Deputy**

New York State Office of the Attorney General | Executive Division

28 Liberty Street, 23<sup>rd</sup> Floor | New York, New York 10005

Cell: (646) 574-2180 | [Gina.Bull@ag.ny.gov](mailto:Gina.Bull@ag.ny.gov)

Pronouns: she/her/hers

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